IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of trademark application Serial No.: 86766058

For the mark: Hair Goals

Published in the Official Gazette on: 16th February 2016

Hair Goals Ltd v. Cathy Holt

NOTICE OF OPPOSITION

Opposer Name (Business Trade Name): Hair Goals Ltd Business Address: Unit 1, 97-101 Peregrine Road, Ilford, Essex, IG6 3XH, United Kingdom legal@hairgoals.co.uk

Class: 003

06-22-2016

The above-identified opposer believes that it will be damaged by registration of the mark shown in the above-identified application, and hereby opposes the same.

Hair Goals Ltd is a hair care brand of Unit 1, 97-101 Peregrine Road, Hainault Business Park, Ilford, Essex, IG6 3XH, itself ("Hair Goals Ltd" or "Opposer") believes that it will be damaged by registration of ("Cathy Holt" or "Applicant") of the mark HAIR GOALS shown in Application Serial No. 86766058 (hereinafter also referred to as "Applicant's Mark"), filed on September 23, 2015 and published for public opposition in the *Official Gazette* on February 16, 2015; and, hereby opposes the same.

Hair Goals Ltd seeks to prevent pending application for mark ('serial number') from being granted registration. Hair Goals Ltd believes it will be damaged by the potential registration of mark ('86766058').

Hair Goals Ltd is raising relative grounds in this opposition proceeding. Under **relative grounds**, the Opposer ("Hair Goals Ltd") is making a claim of prior rights in the trademark:

- Priority of use (Foreign priority date: July 2nd 2015)
- Likelihood of confusion
- Business name/domain name/trade name use
- Well-known/famous mark

The grounds for opposition are as follows:

- 1. The Opposer ("Hair Goals Ltd") filed for UK trademark in July 2015 for classes 3, 9 and 25. The trademark was fully registered in October 9, 2015.
- 2. Hair Goals Ltd filed for international trademark protection for US and EM (European Union) via WIPO in October 21, 2015. Hair Goals Ltd has priority foreign filing date of July 2nd 2015.
- 3. Hair Goals Ltd has always had full intent to register US trademarks from June 2015 however fees were high according to quotes.
- 4. Hair Goals Ltd was given wrong information from UK IPO that UK trademark had to be registered before being allowed to register for worldwide trademark protection via WIPO.
- 5. The Opposer's Filing Date and the Opposer's First Use Date for the Opposer's Mark is earlier than the Applicant's Alleged First Use Date for the Applicant's Mark.
- 6. Given this information, applicant's filing of U.S. Trademark Application Serial No. <u>86766058</u> is without license, authorization, or permission from Opposer.
- 7. Trademark attorney of Cathy Holt should have undertaken a global trademark search via tmview.com to

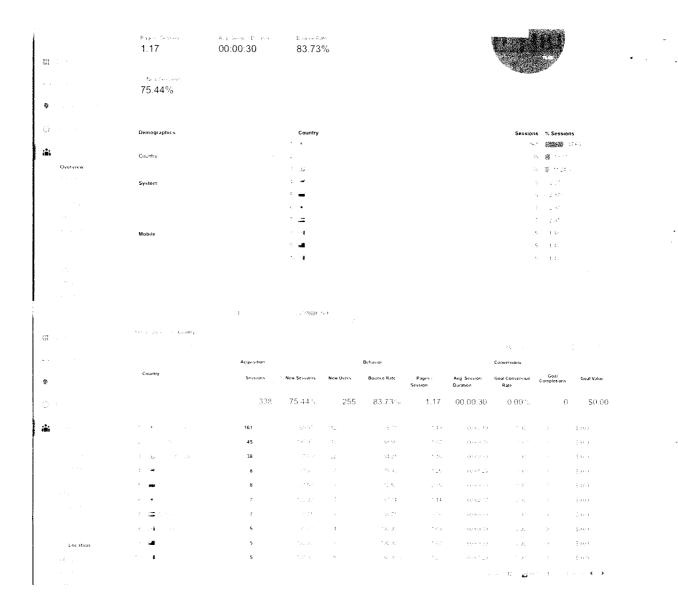


EXHIBIT H – WHO IS for www.hairgoals.co.uk domain purchased APRIL 2015

WHOIS Information **Business Information** hadgoals Don am nam e trangoals colok Registrant Hair Goals Registrantity, e. www.hargoats.co.uk he lo<u>ui hargoa sicolu</u>k Unknown 97-101 Peregrine Road Business Type(s). More United Kingdom Data validation Nominet was able to match the registrant's name and address Description: For all 1000 for the systems of the side of particular except first sets of the systems of the sy against a 3rd party data source on 25-Feb-2016. GoDaddy soni, LLP [Tag - GODADDY] URL http://uk.gorraddy.com/ Facebook nstagram Tsøger Shop Registered on 33 April2015 Expriy date #03-Apr-2017 a property of a contract of the contract of th Last up dated: 24-Mar-2016 Registration status Registered until expry date

EXHIBIT I – Google Analytics

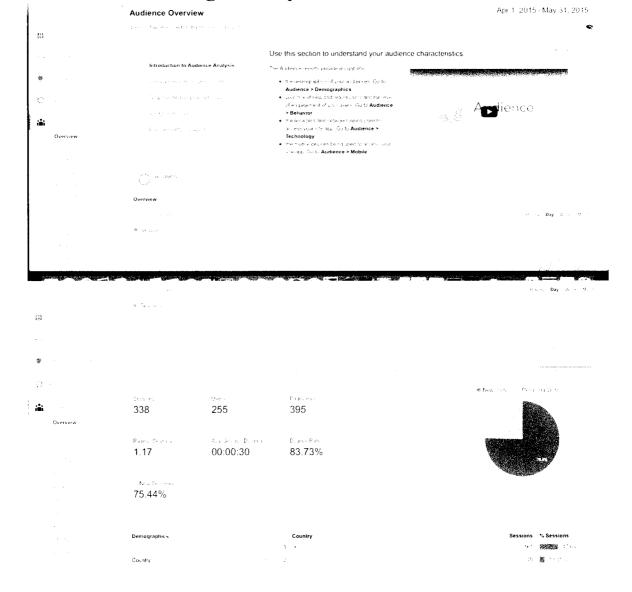


Exhibit F – Extension of Time to Oppose Granted Until 06/15/2016

UNITED STATES PATENT AND TRADEMARK OFFICE Trademark Trial and Appeal Board P.O. Box 1451 Alexandria, VA 22313-1451 General Contact Number 571-272-85(6)

Adaku Agwunobi Hair Goals Ltd Unit 1, 97-101 Peregrine RoadHainault Business Park Ilford, 1G6 3XH

Mailed: March 11, 2016

Serial No.: 86766058 ESTTA TRACKING NO: ESTTA732884

The request to extend time to oppose is granted until 6/15/2016 on behalf of potential opposer Hair Goals Ltd

Please do not he situte to contact the Trademark Trial and Appeal Board at (571)272-8500 if you have any questions relating to this extension.

Note from the Trademark Trial and Appeal Board

TTAB forms for electronic filing of extensions of time to oppose, notices of opposition, petition for cancellation, notice of ex-parte appeal, and inter-partes fillings are now available at http://errita.gepto.geo..hmages of TTAB proceeding files can be viewed using TTABVue at http://diabvae/usppto.geo.

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Note from the Trademark Trial and Appeal Board

TTAB forms for electronic filing of extensions of time to oppose, notices of oppose petition for cancellation, notice of ex parte appeal, and inter partes filings are not available at http://ovitachepo.gov.lmages of TTAB proceeding files can be viewed.

TTABVice at http://doi.org/10.1006/j.jcc.

Number: 86766059
Status: Not Instituted
General Contact Number: 32, 222, 39(9)
Paralegal Name: MORROW Files 19505
Opposition #:

Defendant
Name: Host, Jam's
Correspondence: MARROW Files 19505
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Exhibit G - Order: Serial '86766058' Inadvertently

Registered

UNITED STATES PATENT AND TRADEMARK OFFICE Trademark Trial and Appead Board P.O. Box 1451 Alexandria, VA 22313-1451 General Contact Number, 571-272 8500

Mailed: June 13, 2016

Applicant: Holt, Cathy Scrial No.: 86766058 Filed: 9/23/2015 Mark: HAIR GOALS

MATTHEW H SWYERS THE TRADEMARK COMPANY 344 MAPLE AVE W PMB 151 VIENNA VA 22180-5612

ADAKU AGWUNOBI HAIR GOALS LTD UNIT 1, 97-101 PEREGRINE ROADHAINAULT BUSINESS PARK ILFORD IGG 3XH UNITED KINGDOM

Eric McWilliams, Supervisory Paralegal:

It has come to the Board's attention that Registration No. 4972382 (Serial No. 86766058), was registered inadvertently despite there being an ongoing extension of time granted on behalf of Hair Goals Ltd. until June 15, 2016.

Accordingly, the Board will forward the electronic record of the application file to

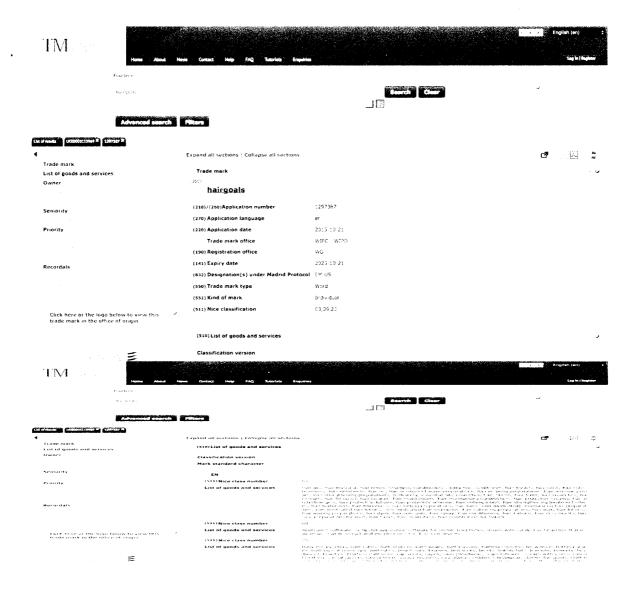
Accordingly, the Board will lorward the electronic record of the application life to the Office of the Commissioner for Trademarks for consideration of the cancellation

of the inadvertently issued registration.

Extension of Time

Number: 86766058
Status Not from Label
General Contact Number: 971, 272, 8080
Parallegal Name: MODIQUELITE, 1750%
Opposition #:

Defendant
Name: Modified Name: Name



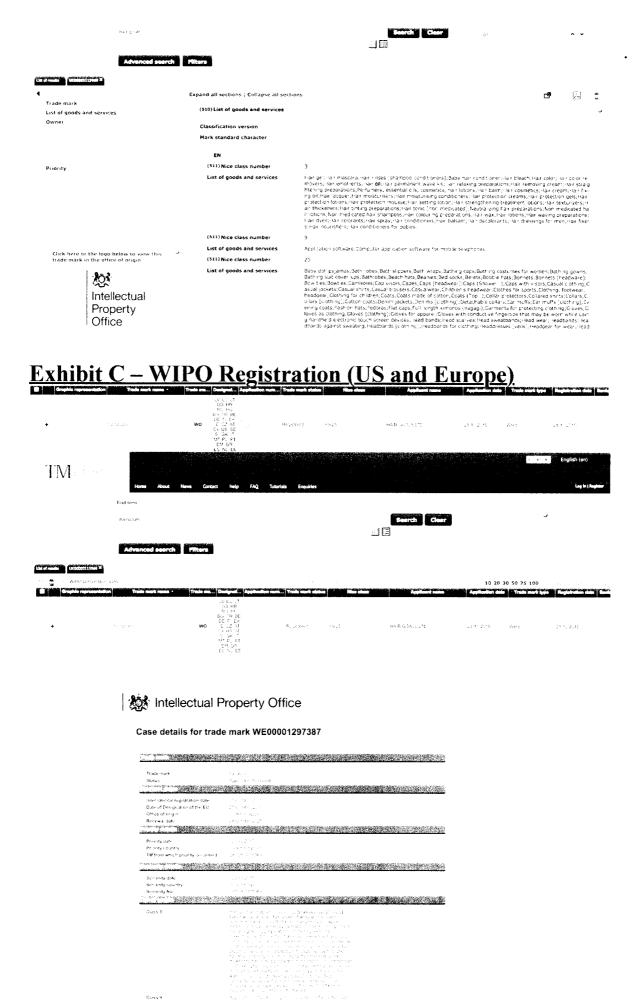


Exhibit D – International Trademark Application No. 1297387

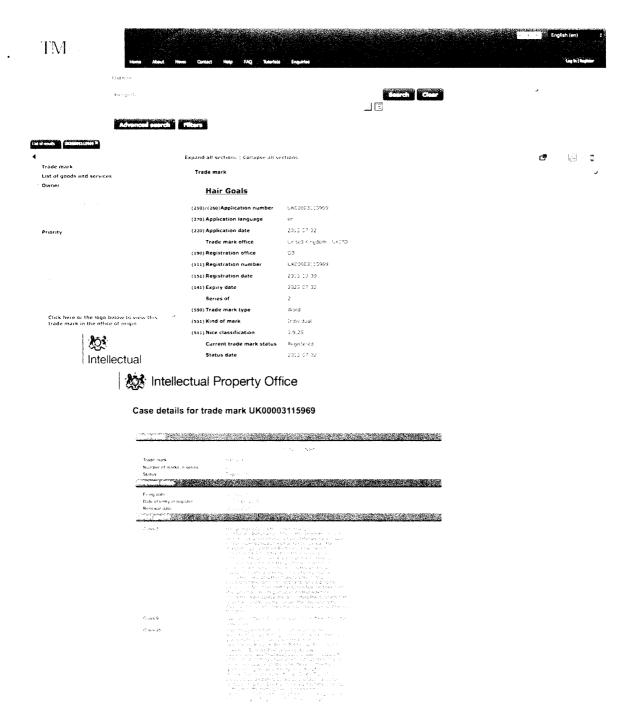


Exhibit B - Goods and Services

Hair Goals Ltd Unit 1, 97-101 Peregrine Road, Ilford, Essex, IG6 3XH, United Kingdom.

legal@hairgoals.co.uk

Exhibit A - Registration

- 'HAIR GOALS' dating back to 2014.
- 22. Opposer owns a magnitude of domains with the mark 'HAIR GOALS' present dating back to April 2015 (full intent to buy the 'hairgoals' domains from 2014), website was launched immediately (April 2015) with a global reach including the United States. United States had the highest reach in April 2015 (see exhibit I) and beyond. United States is biggest customer cohort.
- 23. Accordingly, Opposer's Marks have become distinctive and famous and, therefore, are subject to the protections and remedies of Section 43(c) of the Lanham Act, 15 U.S.C. §1125(c).
- 24. Registration of Applicant's Mark will also injure Opposer by causing a likelihood of dilution, through blurring, of the distinctive quality of Opposer's Marks.
- 25. Opposer has invested extensive amounts of time, effort and money in protecting and policing its "HAIR GOALS" trade name in the United Kingdom, United States, Europe and throughout the world.
 - 26. For the foregoing reasons, the registration sought by Applicant is contrary to the provisions of Section 2 of the Lanham Act, and Opposer ("Hair Goals Ltd") believes that it would be damaged thereby.
 - 27. **WHEREFORE**, Opposer ("Hair Goals Ltd") respectfully requests that registration of the mark shown in Application Serial No. <u>86766058</u> be refused and that this Opposition be sustained in favor of Opposer ("Hair Goals Ltd")

By: /A.Agwunobi/ (CEO) Date: 07/06/2016

CERTIFICATE OF SERVICE

I, Adaku Agwunobi, hereby certify that a true and accurate copy of the foregoing NOTICE OF OPPOSITION was served by first class mail, postage prepaid, on June 15, 2016, upon Hair Goals Ltd at the following address of record:

- 13. The granting of a trademark registration to Applicant for Applicant's Mark would violate and diminish the prior and superior rights of Opposer.
- 14. Opposer would be damaged within the meaning of 15 U.S.C. §1063(a), if Applicant's Mark is allowed to register, because Applicant would obtain statutory rights in Applicant's Mark in violation and derogation of the established prior rights of Opposer in Opposer's Marks.
- 15. Applicant's Mark is likely to be confused with and mistaken for Opposer's goods and services developed and marketed under Opposer's Marks, because Applicant's "HAIR GOALS" mark is confusingly similar in sight and sound to Opposer's Marks (the same mark 'HAIR GOALS').
- 16. Upon information and belief, Applicant's Mark is intended to be used on and in connection with goods and services that are confusingly similar to those of Opposer.
- 17. Upon information and belief, Applicant's target customer and consumer base for its services overlaps with the customers and consumers of Opposer's goods and services.
- 18. Upon information and belief, Applicant's channels of trade for its services also overlaps with the channels of trade used by Opposer, or exist within the natural realm of expansion available to Opposer, for producing, providing, marketing, selling, and otherwise distributing its products and services.
- 19. Registration of Applicant's Mark would give Applicant *prima facie* evidence of the validity and ownership of Applicant's Mark, and of Applicant's exclusive right to use its "HAIR GOALS" mark, all to the detriment of Opposer.
- 20. Prior to the application filing date for Applicant's Mark, Opposer's Marks had become famous for Opposer's goods and services, and the public has come to associate Opposer's goods and services with the "HAIR GOALS" trademark
- 21. Opposer owns all the social media accounts under mark

- which they would have seen the UK 'hairgoals' trademarks. Furthermore, a search engine search would have showcase use of the mark including ownership of all social media under the name 'hairgoals' as well as an active website.
- 8. Hair Goals Ltd was wrongly advised by UK IPO that US trademark could only be filed through WIPO after the trademark was fully registered hence why the WIPO filing was dated October 21, 2015. There was always intent to register US trademarks (evidence available).
 - 9. Purchasers familiar with Opposer's Goods and services are likely to be mistakenly believe that the Applicant's products and Services are sponsored by, authorized, endorsed, affiliated with or otherwise approved by the Opposer ("Hair Goals Ltd") because the HAIR GOALS Mark sought to be registered and used by the Applicant is too confusingly similar to the Opposer's HAIR GOALS mark (notably, the same). Opposer's customers and the relevant public are likely to misperceive Applicant's Mark as one of Opposer's Marks, and/or believe in error that the services offered under Applicant's Mark are offered by, in association with, connected to, or under license from Opposer ("Hair Goals Ltd"). Such confusion would inevitably result in damage to Opposer.
- 10. Any defect, objection to, or fault found with Applicant's services marketed under Applicant's Mark, would necessarily reflect on and seriously injure the reputation that Opposer has established for its premium and famous goods and services.
- 11. Upon opinion and belief, Opposer's use and registration of Opposer's Marks, pre- dates the filing date of Applicant's Mark.
- 12. Upon opinion and belief, Applicant's Mark for class 3 and 26 has not been used in U.S. commerce and is not currently in use in commerce imagery attached to trademark application looks incomplete and taken for the purpose of the application.